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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Acceleration of Broadband Deployment:) WC Docket No. 11-59
Expanding the Reach and Reducing the Cost of)
Broadband Deployment by Improving Policies)
Regarding Public Rights of Way and Wireless)
Facilities Siting)

COMMENTS OF COTTAGE GROVE, OREGON

These Comments are filed by the City of Cottage Grove, Oregon in response to the Notice of Inquiry (Notice), released on April 7, 2011, in the above-entitled proceeding.

INTRODUCTION

The City of Cottage Grove is the southern most city within Lane County located on Interstate 5. With a population of 9,705 it is the third largest city in Lane County. There are approximately 3,600 households within the City. Another 20,000 people live in the outlying rural areas surrounding Cottage Grove. Nearly two-thirds of the workforce from Cottage Grove works in the Eugene/Springfield area 20 miles to the north.

Employment in Cottage Grove has historically been tied to the natural resources abundant within the area. Timber, mining and agriculture have been predominate employers in the area. Over the years the employment base has diversified especially as a result of the decline of the timber industry. Tourism and service industry jobs have increased. Most businesses in the community could be classified a small businesses.

Cottage Grove has a community hospital, part of the PeaceHealth community of hospitals, a local campus of the Lane Community College, a high school, alternative high school, middle school and two elementary schools that serve the community and outlying areas.

Through their employment in the Eugene and Springfield areas many of our citizens become accustomed to broadband services at their place of employment while such services are not available at their homes. As a result, many within the community desire broadband services at their home that were simply not available. Requests have been made by the City to the cable and telephone providers to enhance services. Such services are not available because of old outdated head-end equipment or switching limitations. The community was not served or connected to any fiber optics even though three major fiber backbones ran through the community.

Cable and broadband services provided by the existing cable and telecom carriers within the community are basic. DSL is available in most of the community. The DSL that is available is typically limited and can not effectively meet service demands for VOIP services and frequently require businesses or individuals to purchase more than one DSL service to attempt to get the bandwidth needed. Some of our newer subdivisions within the City do not have access to even DSL and as a result of limited switching equipment did not even have access to phone service for several months.

Our schools and Community College were connected with shared T-1 lines that did not provide the bandwidth needed to access all services available through the Education Service District located in Eugene. The schools could not even use the system to connect the computer network between schools and phone system. The lack of bandwidth capacity created a learning disadvantage for youth in our community.

As a result of these frustrations, the City of Cottage Grove joined a number of other jurisdictions to form a consortium to pursue efforts to develop broadband services. The City continues to be a member of the Regional Fiber Consortium. As a member of the Regional Fiber Consortium we are committed to expanding the deployment of broadband services.

After years of work through the consortium and failed efforts to encourage the private investment in infrastructure to serve our community, the City of Cottage Grove in 2005 requested the opportunity to lease a pair of consortium fiber strands and made plans to create a fiber and wireless network within the community.

In 2007, the City began work on the development of the system and currently has 4.53 miles of fiber installed in Cottage Grove and 1.5 miles of fiber in Creswell, a smaller community 8 miles to the north. In Cottage Grove, the fiber network connects all the schools, school administrative offices and City Hall. The fiber is also available at the fire station. The wireless network currently provides WiFi coverage to about 80% of the City. In Creswell, the schools are connected and service is available at the Creswell City Hall and fire station.

The total cost for the project was just over \$3 million. The costs include fiber installation, and equipment to operate the system. The City owns all the equipment and fiber, but contracts with a local ISP to manage and operate the system. The City currently has about 225 paid subscribers to the WiFi system within Cottage Grove.

The City installed the network and fiber as an open platform. Most of the network consists of 288 strands of fiber and the fiber has been and will be made available to other carriers to use to further develop the fiber to the premises. Currently we have one carrier in Creswell using City fiber to connect to the local telecom provider. That connection is enhancing the service capacity of the existing telecom provider in Creswell.

Timeliness, Ease, and Reasonableness of the Permitting Process and Charges

The City with the installation of our own fiber network and three towers for wireless services, had to follow established land use regulations associated with wireless telecommunication facilities and also comply with our own right of way regulations. Negotiations and costs associated with crossing the railroad right of way took more time and were more costly than any public right of way requirements.

Additionally, a second private telecommunication tower (100' cellular) was constructed this summer within the City. The coordination between the tower construction company and the electrical utility was more complicated and took more time than the City's permitting process. The City's relatively new wireless telecommunication regulations provided a clear and efficient process for the approvals. Since the development of the City's regulations two towers have been constructed within the four square miles of the City. Two additional towers exist just outside the City on the mountain overlooking the City.

Experience Implementing Local Regulations Related to Rights of Way and Wireless Facilities Siting

The local control of right of way use is essential for the public's health, safety and welfare. The City of Cottage Grove's right of ways are owned by the citizens of the community and are used to provide a wide variety of functions and services. Each of those services is important and any disruption or damage could cause major impacts to individuals or businesses. Transportation, emergency responses, water, wastewater, stormwater, natural gas, electrical, telephone and cable services must all be managed to ensure that the right of way is used safely and efficiently. All too often we have found dangerous conditions that could have resulted in serious property damage and loss of life from improper construction or installation of utilities within the right of way. In the past, conflicts between the various users, such as utility poles installed in gas, water and wastewater lines or in the middle of sidewalks or in other locations that conflict with vehicular traffic have been discovered and had to be corrected. With the complexity of modern infrastructure it is even more important that local authorities oversee the management of the right of ways that contain those facilities.

The provision of broadband services in Cottage Grove is not restricted by right of way or land use regulations but actually by the age and quality of the equipment owned by existing cable and telecom service providers. Upgrading existing lines or equipment would provide significant broadband improvements within the City and would not be subject to any additional right of way or franchise requirements. The obstacle to broadband services in Cottage Grove is inadequate infrastructure and the lack of capital investment needed to bring existing systems up to modern standards.

Two of the most recent subdivisions within the community can not be served with DSL service. The latest of the two subdivisions has 76 proposed housing units and was initially without phone service and is still substantially limited apparently because of over loaded circuits or insufficient switches. Neither of these issues had anything to do with right of way regulations or permit approvals from the City.

The City requires preconstruction meetings with contractors and interested utility providers to help coordinate the installation or replacement of utilities. Joint trenching is encouraged where allowed under utility standards. New developments are even encouraged to install empty conduits to possibly be used in the future. The City of Cottage Grove makes every effort possible to ensure that all utility needs are addressed and that use of the right of way is efficient. The management of the public right of way must continue to be managed in the interest of the public and all services rather than being used to serve the needs of an individual user.

SOLUTIONS

The City of Cottage Grove strongly supports efforts to accelerate the development of broadband services. In fact, Cottage Grove has put a significant amount of our limited resources, both time and money to improve broadband development. Our efforts have made it clear to us that the

challenge associated with expanding broadband services lies with the costs associated with the capital infrastructure investment.

Development of broadband services could be handled in much the same way that the development of electrical and basic phone service was done decades ago through the establishment of universal access. The initial capital investment is substantial and the return through connections in rural communities is not financially feasible for businesses. We have had an estimate that installation of fiber optic infrastructure to bring broadband to every property in Cottage Grove would be from \$9 to \$16 million. With only 3,600 households that is a difficult investment to pay for. Broadband providers will not make the investment necessary in our community because the rate of return does not meet their business model. Since broadband services have become an essential service the provision of broadband infrastructure may be better developed with a desire to serve the public needs rather than the short-term corporate bottom line. The City of Cottage Grove's efforts to develop infrastructure was done to try to relieve some of that burden.

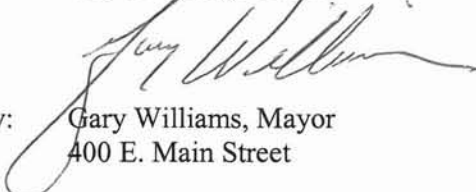
Broadband services have become an essential utility service much like electricity, water and wastewater. As such, a policy to find ways to fund the expansion of the infrastructure to carry the system must be pursued.

Local regulations and right of way control is not an obstacle to the development. They have not been an obstacle for other essential utilities that have been developed. In fact, the local management of public right of ways is fundamental to protecting all utility infrastructure and ensuring the long term provision of services within the community. Through our own experiences developing the fiber network and wireless system we have found the real obstacle is capital infrastructure costs and the corporate desire for rapid returns on that investment.

CONCLUSION

The City of Cottage Grove would like to thank the Commission for its efforts to better understand the practices and policies surrounding cities' management of public rights of way. Cottage Grove strongly encourages the Commission to consider its comments, as well as those submitted by all cities, before taking any action that may adversely affect the rights of way authority of cities. The City of Cottage Grove respectfully reminds the Commission that it must resist moving forward in any other context to act on any of the issues raised in the Notice until the record in this proceeding is complete.

Respectfully submitted,
City of Cottage Grove

By: 
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